

HOUSE BILL 53

M3
HB 529/09 – ENV

(PRE-FILED)

0lr1001

By: **Delegate G. Clagett**

Requested: November 11, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sewage Sludge Utilization Permit – Septage**

3 FOR the purpose of altering certain requirements for the adoption of certain
4 regulations by the Department of the Environment to include consideration of
5 septage; establishing certain requirements for septage haulers; establishing an
6 Oversight Committee on Sewage Sludge Utilization; providing for the
7 membership, staff, and duties of the Oversight Committee; requiring the
8 Department to review certain fees charged by publicly owned treatment works
9 facilities to septage haulers and authorizing the Department to reduce those
10 fees under certain circumstances; authorizing the Department to reimburse
11 publicly owned treatment works facilities for certain lost revenue under certain
12 conditions with funds from the Bay Restoration Fund; requiring the
13 Department to adopt certain regulations relating to eligibility for
14 reimbursement and the rate of reimbursement; expanding the authorized uses
15 of the Bay Restoration Fund to include reimbursement of certain lost revenue to
16 publicly owned treatment works facilities; defining and revising certain terms;
17 and generally relating to septage hauling and the sewage sludge utilization
18 permit.

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section 9–201, 9–230(b), 9–242, and 9–1605.2(i)(2)
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Environment
26 Section 9–230(a)
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Environment
3 Section 9–244.1 and 9–244.2
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2009 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Environment**

9 9–201.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “First sale” means a sale of a new tire that is not a sale to a wholesaler or
12 out-of-state retailer.

13 (c) “Local health official” means:

14 (1) A health officer or a designee of the health officer; or

15 (2) The Director of the Department of Environmental Protection of
16 Montgomery County or a designee of the Director.

17 (d) “Person” includes the federal government, a state, county, municipal
18 corporation, or other political subdivision.

19 (e) “Refuse disposal system” includes:

20 (1) An incinerator;

21 (2) A transfer station;

22 (3) A landfill system;

23 (4) A landfill;

24 (5) A solid waste processing facility; and

25 (6) Any other solid waste acceptance facility.

26 (f) “Scrap tire” means any tire that no longer is suitable for its original
27 intended purpose by virtue of wear, damage, or defect.

28 (g) “Scrap tire collection facility” means a place where scrap tires are:

- 1 (1) Deposited by a consumer or a scrap tire hauler; and
- 2 (2) Transferred to another scrap tire collection facility or scrap tire
3 recycler.

4 (h) “Scrap tire hauler” means a person who as part of a commercial business:

- 5 (1) Transports scrap tires; and
- 6 (2) Is approved and licensed by the Department to transport scrap
7 tires to a scrap tire recycler or a scrap tire collection facility.

8 (i) “Scrap tire recycler” means a person who is approved and licensed by the
9 Department to process scrap tires to a form of raw materials or products that may be
10 returned to the marketplace.

11 **(J) “SEPTAGE” MEANS SEWAGE PUMPED OR REMOVED FROM AN**
12 **ON-SITE SEWAGE DISPOSAL SYSTEM WHEN THE SYSTEM IS CLEANED OR**
13 **MAINTAINED, INCLUDING MATERIAL PUMPED OR REMOVED FROM A CESSPOOL,**
14 **CHEMICAL TOILET, COMPOSTING TOILET, HOLDING TANK, PRIVY, PORTABLE**
15 **TOILET, SEEPAGE PIT, OR SEPTIC TANK.**

16 **(K) “SEPTAGE GENERATOR” MEANS A PERSON WHO OWNS OR**
17 **OPERATES AN ON-SITE SEWAGE DISPOSAL SYSTEM, INCLUDING A CESSPOOL,**
18 **CHEMICAL TOILET, COMPOSTING TOILET, HOLDING TANK, PRIVY, PORTABLE**
19 **TOILET, SEEPAGE PIT, OR SEPTIC TANK.**

20 **(L) “SEPTAGE HAULER” MEANS A PERSON WHO HOLDS A SEWAGE**
21 **UTILIZATION PERMIT TO TRANSPORT SEPTAGE, OR ANY PRODUCT CONTAINING**
22 **SEPTAGE, TO A SEWAGE SLUDGE GENERATOR OR SEWAGE SLUDGE UTILIZER.**

23 **[(j)] (M)** “Service” means the Maryland Environmental Service.

24 **[(k)] (N)** “Sewage” means:

25 (1) Any human or animal excretion or water-carried domestic waste;
26 or

27 (2) A mixture of industrial waste and any of the things in item (1) of
28 this subsection.

29 **[(l)] (O)** “Sewage sludge” means any thickened liquid, suspension, settled
30 solid, or dried residue that a sewage treatment plant extracts from sewage.

1 **[(m)] (P)** (1) “Sewage sludge generator” means a person who owns or
2 operates a facility that receives and processes sewage in this State or produces sewage
3 sludge to be utilized in this State.

4 (2) “Sewage sludge generator” includes:

5 (i) The Washington Suburban Sanitary Commission; and

6 (ii) The Maryland Environmental Service.

7 (3) “Sewage sludge generator” does not include the owner or operator
8 of a septic system.

9 **[(n)] (Q)** “Sewage sludge utilization permit” means a permit, issued by the
10 Department, to utilize sewage sludge **OR SEPTAGE**.

11 **[(o)] (R)** (1) “Sewage sludge utilizer” means a person who utilizes sewage
12 sludge **OR SEPTAGE** in this State.

13 (2) “Sewage sludge utilizer” includes:

14 (i) The Washington Suburban Sanitary Commission; and

15 (ii) The Maryland Environmental Service.

16 **[(p)] (S)** (1) “Sewerage system” means:

17 (i) The channels used or intended to be used to collect and
18 dispose of sewage; and

19 (ii) Any structure or appurtenance used or intended to be used
20 to collect or prepare sewage for discharge into the waters of this State.

21 (2) “Sewerage system” includes any sewer of any size.

22 (3) “Sewerage system” does not include the plumbing system inside
23 any building served by the sewerage system.

24 **[(q)] (T)** “Store scrap tires” means the accumulation of scrap tires in any
25 form or configuration in excess of 15,000 cubic feet.

26 **[(r)] (U)** “Tire dealer” means a person who sells new tires to:

27 (1) A seller of tires in the State that is not a tire wholesaler; or

28 (2) A consumer of a tire on which a recycling fee has not been paid.

1 [(s)] (V) “Tire wholesaler” means a person who transfers tires to a person
2 who is not a consumer.

3 [(t)] (W) (1) “Utilize sewage sludge” means to collect, handle, burn, store,
4 treat, or transport sewage sludge **OR SEPTAGE** to or from a sewage sludge generator
5 **[or], SEWAGE SLUDGE** utilizer, **OR SEPTAGE GENERATOR** in this State, to apply it
6 to land, or to dispose of it.

7 (2) **“UTILIZE SEWAGE SLUDGE” INCLUDES SEPTAGE HAULING.**

8 [(u)] (X) (1) “Water supply system” means:

9 (i) A source and the surrounding area from which water is
10 supplied for drinking or domestic purposes; and

11 (ii) Any structure, channel, or appurtenance used to prepare
12 water for use or to deliver water to a consumer.

13 (2) “Water supply system” does not include the plumbing system
14 inside any building that is served by the water supply system.

15 9–230.

16 (a) (1) The Department of the Environment shall adopt regulations to
17 carry out this Part III of this subtitle.

18 (2) The Department of the Environment may not adopt a regulation or
19 part of a regulation that deals with the land application of sewage sludge without the
20 approval of the Department of Agriculture.

21 (b) In adopting regulations under this Part III and §§ 9–269 and 9–270 of
22 this subtitle, the Department of the Environment shall consider:

23 (1) Alternative utilization methods;

24 (2) Pathogen control;

25 (3) Advertising requirements for public hearings and public
26 information meetings;

27 (4) Performance bonds, liability insurance, or other forms of security;

28 (5) Procedures for notifying units of local government and other
29 interested parties; **[and]**

30 (6) Adequate standards for transporting sewage sludge **AND**
31 **SEPTAGE**, including requirements for:

1 **(I)** [enclosing] **ENCLOSING** or covering sewage sludge **OR**
2 **SEPTAGE** during transportation; **AND**

3 **(II)** **CLEARLY LABELING VEHICLES USED TO HAUL SEPTAGE;**

4 **(7)** **ADEQUATE STANDARDS FOR MONITORING ACCESS TO**
5 **UNMANNED SEPTAGE DROP-OFF SITES AT WASTE TREATMENT WORKS**
6 **FACILITIES AUTHORIZED BY THE DEPARTMENT TO ACCEPT SEPTAGE FOR**
7 **TREATMENT OR DISPOSAL; AND**

8 **(8)** **ADEQUATE STANDARDS FOR THE MAINTENANCE OF ON-SITE**
9 **SEWAGE DISPOSAL SYSTEMS BY SEPTAGE GENERATORS, INCLUDING REGULAR**
10 **RECOMMENDED INTERVALS FOR PUMPING AND REMOVING SEPTAGE.**

11 9-242.

12 **(A)** The Department shall require each holder of a sewage sludge utilization
13 permit to:

14 (1) Keep records, including daily records of the source and amount of
15 sewage sludge for each truckload delivered to the site;

16 (2) Make reports, including reports of sewage sludge analysis, as often
17 as necessary to assure that the sewage sludge meets permit requirements;

18 (3) Have a copy of the report of sewage sludge analysis that is
19 required under item (2) of this [section] **SUBSECTION** available on the vehicle
20 transporting the sewage sludge while the sewage sludge is being transported in the
21 State;

22 (4) Install, calibrate, use, and maintain monitoring equipment or
23 methods, including biological monitoring methods and well monitoring, if appropriate;

24 (5) Take samples in accordance with the methods, at the locations, at
25 the intervals, and in the manner that the Department requires; and

26 (6) Give to a representative of the Department or the local health
27 official any information that the Department reasonably requires.

28 **(B)** **IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION**
29 **(A) OF THIS SECTION, THE DEPARTMENT SHALL REQUIRE EACH SEPTAGE**
30 **HAULER TO:**

1 **(1) OUTFIT EACH VEHICLE USED TO HAUL SEPTAGE WITH A**
2 **METER APPROVED BY THE DEPARTMENT TO MEASURE AND RECORD THE**
3 **INTAKE AND DISCHARGE FLOW OF SEPTAGE ON A PER GALLON BASIS;**

4 **(2) KEEP A DAILY MANIFEST FORM CONTAINING:**

5 **(I) THE SEWAGE SLUDGE UTILIZATION PERMIT NUMBER OF**
6 **THE SEPTAGE HAULER;**

7 **(II) THE SOURCE, DESTINATION, NATURE, AND VOLUME OF**
8 **SEPTAGE HAULED; AND**

9 **(III) A WRITTEN OATH SIGNED BY THE SEPTAGE HAULER**
10 **AND THE SEPTAGE GENERATOR AFTER EACH TRANSACTION AFFIRMING THE**
11 **ACCURACY OF THE MANIFEST FORM;**

12 **(3) RETAIN A COPY OF THE MANIFEST FORM REQUIRED UNDER**
13 **ITEM (2) OF THIS SUBSECTION AND FURNISH A COPY FOLLOWING EACH**
14 **TRANSACTION TO:**

15 **(I) THE SEPTAGE GENERATOR; AND**

16 **(II) THE WASTE TREATMENT WORKS FACILITY DESIGNATED**
17 **TO RECEIVE THE SEPTAGE; AND**

18 **(4) HAVE A COPY OF THE SEWAGE SLUDGE UTILIZATION PERMIT**
19 **AND THE MANIFEST FORM REQUIRED UNDER ITEM (2) OF THIS SUBSECTION ON**
20 **THE VEHICLE USED TO HAUL SEPTAGE IN THE STATE AND AVAILABLE FOR**
21 **INSPECTION BY THE DEPARTMENT.**

22 **(C) A SEPTAGE HAULER MAY LEAVE THE COPY OF THE MANIFEST FORM**
23 **REQUIRED UNDER SUBSECTION (B)(3)(II) OF THIS SECTION IN A LOCKBOX**
24 **ESTABLISHED BY THE WASTE TREATMENT WORKS FACILITY FOR THAT**
25 **PURPOSE.**

26 **9-244.1.**

27 **(A) THERE IS AN OVERSIGHT COMMITTEE ON SEWAGE SLUDGE**
28 **UTILIZATION.**

29 **(B) THE OVERSIGHT COMMITTEE CONSISTS OF THE FOLLOWING**
30 **MEMBERS:**

1 (1) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S
2 DESIGNEE;

3 (2) THE SECRETARY OF THE ENVIRONMENT, OR THE
4 SECRETARY'S DESIGNEE;

5 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
6 SECRETARY'S DESIGNEE;

7 (4) THE SECRETARY OF NATURAL RESOURCES, OR THE
8 SECRETARY'S DESIGNEE;

9 (5) A REPRESENTATIVE OF THE REGULATED COMMUNITY
10 APPOINTED BY THE GOVERNOR;

11 (6) A CERTIFIED PUBLIC ACCOUNTANT APPOINTED BY THE
12 GOVERNOR;

13 (7) A REPRESENTATIVE OF THE ENVIRONMENTAL COMMUNITY
14 APPOINTED BY THE GOVERNOR; AND

15 (8) A MEMBER OF THE GENERAL PUBLIC APPOINTED BY THE
16 GOVERNOR.

17 (C) THE GOVERNOR SHALL DESIGNATE A NONAGENCY MEMBER TO BE
18 CHAIR OF THE OVERSIGHT COMMITTEE.

19 (D) THE TERM OF A MEMBER IS 4 YEARS.

20 (E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE OVERSIGHT
21 COMMITTEE.

22 (F) A MEMBER OF THE OVERSIGHT COMMITTEE:

23 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
24 OVERSIGHT COMMITTEE; BUT

25 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
26 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
27 BUDGET.

28 (G) THE OVERSIGHT COMMITTEE SHALL:

1 **(1) EVALUATE THE PERFORMANCE OF THE SEWAGE SLUDGE**
2 **UTILIZATION PERMIT PROGRAM, INCLUDING CONSIDERATION OF:**

3 **(I) COMPLIANCE WITH WRITTEN LOCAL DELEGATION**
4 **AGREEMENTS BY LOCAL AUTHORITIES EXERCISING DELEGATED POWERS; AND**

5 **(II) EFFECTIVE REUSE OF SEPTAGE AND SEWAGE SLUDGE,**
6 **INCLUDING USE FOR COMPOST, ENERGY GENERATION, RESEARCH, AND LAND**
7 **APPLICATION;**

8 **(2) REVIEW AND EVALUATE FEES CHARGED BY PUBLICLY OWNED**
9 **TREATMENT WORKS FACILITIES TO SEPTAGE HAULERS;**

10 **(3) MAINTAIN A LIST OF FACILITIES AUTHORIZED BY THE**
11 **DEPARTMENT TO ACCEPT SEPTAGE FOR TREATMENT OR DISPOSAL;**

12 **(4) EXAMINE AND EVALUATE ADDITIONAL SEWAGE SLUDGE**
13 **UTILIZATION PERMIT-RELATED ISSUES AS DESIGNATED BY THE DEPARTMENT;**

14 **(5) ADVISE THE DEPARTMENT IN THE DEVELOPMENT OF**
15 **REGULATIONS; AND**

16 **(6) RECOMMEND TO THE GOVERNOR AND THE GENERAL**
17 **ASSEMBLY ANY APPROPRIATE CHANGES IN STATE LAW BASED ON THE**
18 **FINDINGS OF THE OVERSIGHT COMMITTEE.**

19 **(H) THE OVERSIGHT COMMITTEE SHALL MEET QUARTERLY.**

20 **(I) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE OVERSIGHT**
21 **COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE**
22 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
23 **ARTICLE, THE GENERAL ASSEMBLY.**

24 **9-244.2.**

25 **(A) THE SECRETARY:**

26 **(1) SHALL REVIEW ANNUALLY THE FEES CHARGED BY PUBLICLY**
27 **OWNED TREATMENT WORKS FACILITIES TO SEPTAGE HAULERS; AND**

28 **(2) WITH THE ADVICE OF THE OVERSIGHT COMMITTEE ON**
29 **SEWAGE SLUDGE UTILIZATION, MAY REDUCE THE FEES IF NECESSARY TO**
30 **ENSURE THE ECONOMIC VIABILITY OF THE PERMIT HOLDER.**

1 **(B) (1) A PUBLICLY OWNED TREATMENT WORKS FACILITY WHOSE**
2 **FEEES HAVE BEEN REDUCED BY THE DEPARTMENT UNDER SUBSECTION (A) OF**
3 **THIS SECTION MAY APPLY TO THE DEPARTMENT FOR REIMBURSEMENT OF LOST**
4 **REVENUE.**

5 **(2) IF THE DEPARTMENT DETERMINES THAT A PUBLICLY OWNED**
6 **TREATMENT WORKS FACILITY IS ELIGIBLE FOR REIMBURSEMENT IN**
7 **ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF**
8 **THIS SECTION, THE SECRETARY MAY REIMBURSE THE FACILITY WITH FUNDS**
9 **FROM THE BAY RESTORATION FUND UNDER § 9-1605.2 OF THIS TITLE.**

10 **(C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO**
11 **IMPLEMENT THIS SECTION.**

12 **(2) THE REGULATIONS SHALL INCLUDE:**

13 **(I) A MECHANISM FOR DETERMINING WHETHER TO**
14 **REIMBURSE PUBLICLY OWNED TREATMENT WORKS FACILITIES FOR LOST**
15 **REVENUE UNDER SUBSECTION (B) OF THIS SECTION; AND**

16 **(II) THE RATE OF REIMBURSEMENT.**

17 9-1605.2.

18 (i) (2) Funds in the Bay Restoration Fund shall be used only:

19 (i) To award grants for up to 100% of eligible costs of projects
20 relating to planning, design, construction, and upgrade of a wastewater facility for
21 flows up to the design capacity of the wastewater facility, as approved by the
22 Department, to achieve enhanced nutrient removal in accordance with paragraph (3)
23 of this subsection;

24 (ii) 1. In fiscal years 2005 through 2009, inclusive, for a
25 portion of the costs of projects relating to combined sewer overflows abatement,
26 rehabilitation of existing sewers, and upgrading conveyance systems, including
27 pumping stations, not to exceed an annual total of \$5,000,000; and

28 2. In fiscal years 2010 and thereafter, for a portion of the
29 operation and maintenance costs related to the enhanced nutrient removal technology,
30 which may not exceed 10% of the total restoration fee collected from users of
31 wastewater facilities under this section by the Comptroller annually;

32 (iii) As a source of revenue or security for the payment of
33 principal and interest on bonds issued by the Administration if the proceeds of the sale
34 of the bonds will be deposited in the Bay Restoration Fund;

- 1 (iv) To earn interest on Bay Restoration Fund accounts;
- 2 (v) For the reasonable costs of administering the Bay
3 Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on
4 users of wastewater facilities that are collected by the Comptroller annually;
- 5 (vi) For the reasonable administrative costs incurred by a local
6 government or a billing authority for a water or wastewater facility collecting the
7 restoration fees, in an amount not to exceed 5% of the total restoration fees collected
8 by that local government or billing authority;
- 9 (vii) For future upgrades of wastewater facilities to achieve
10 additional nutrient removal or water quality improvement, in accordance with
11 paragraphs (6) and (7) of this subsection;
- 12 (viii) For costs associated with the issuance of bonds; [and]
- 13 (ix) Subject to the allocation of funds and the conditions under
14 subsection (h) of this section, for projects related to the removal of nitrogen from onsite
15 sewage disposal systems and cover crop activities; **AND**
- 16 **(x) TO REIMBURSE PUBLICLY OWNED TREATMENT WORKS**
17 **FACILITIES FOR LOST REVENUE RESULTING FROM A REDUCTION IN FEES**
18 **CHARGED TO SEPTAGE HAULERS AS SET FORTH IN § 9-244.2 OF THIS TITLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.